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LOCAL GOVERNMENT IN ILLINOIS

AND

LOCAL GOVERNMENT IN PENNSYLVANIA

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"It is not creditable to us as an educated people that while our students are well acquainted with the state machinery of Athens and Rome, they should be ignorant of the corresponding institutions of our own forefathers: institutions that possess a living interest for every nation that realises its identity, and have exercised on the well-being of the civilised world an influence not inferior certainly to that of the Classical nations." — *Stubbs, Select Charters.*

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE
HERBERT B. ADAMS, Editor

History is past Politics and Politics present History.—*Freeman*

III

LOCAL GOVERNMENT IN ILLINOIS

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Reprinted from the Fortnightly Review

AND

LOCAL GOVERNMENT IN PENNSYLVANIA

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Read before the Pennsylvania Historical Society, May 1, 1882

BALTIMORE
PUBLISHED BY THE JOHNS HOPKINS UNIVERSITY
JANUARY, 1883.

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JOHN MURPHY & CO., PRINTERS,
BALTIMORE.

LOCAL GOVERNMENT IN ILLINOIS.

It is difficult to approach the study of the political systems to-day in operation in the new Western States without a feeling that they are wholly artificial and superimposed inventions rather than growths. Such preconceptions must in good measure yield before a study of the simple facts. Artificial and mathematical as is that checker-board system of local geography which a township map of Illinois depicts, it nevertheless furnishes metes and bounds for local governments which are neither novel nor experimental, but are transplanted scions from older growths of Anglo-Saxon communal life, which have already taken firm root in prairie soil and have easily adapted themselves to the modifying influences of the new environment. It must be remembered that the prairie farmer is descended from people who for centuries have had the habit of attending to their own local affairs; and that with all his fondness for paper constitutions and minute written laws, he is but re-enacting, under modified forms, the social arrangements under which the Anglo-Saxon usually insists upon living, wherever you transplant him. The safeguards and maxims of the common law are as truly the heritage of the young Anglo-Saxon in the Mississippi Valley as of his cousin on the Severn or the Thames.

The precise forms under which the people of Illinois are to-day governing themselves have been largely shaped by certain facts in the history of the State, and will be best understood in the light of a preliminary historical sketch.

Migration from the Atlantic States to the interior and Western States has always followed the parallels of latitude.

Illinois is a remarkable illustration of this tendency. A glance at the map will show that the State's greatest length (nearly four hundred miles) is from north to south; and that the parallels which mark its northern and southern limits include the sea-board States from New Hampshire to North Carolina. Naturally, then, Southern Illinois derived its population from Virginia and other Southern States, while Northern Illinois was chiefly settled from Massachusetts and other New England States. The inquiry into the habits and opinions of government which these people brought with them to their new homes must carry us a step further back.

M. de Tocqueville, who made his survey of American institutions at a time when the migratory tide was setting strongly toward Illinois, and when her institutions were in a formative stage, says that "two branches may be distinguished in the Anglo-American family, which have grown up without entirely commingling—the one in the north, the other in the south." New England had been colonized by men who were, in the language of the same writer, "neither lords nor common people, neither rich nor poor." A people so similar in education, so agreed in religious beliefs, and so equal in property and in social rank, formed the best material for a pure democracy that the world had ever seen. Gradually they covered New England with a congeries of small self-governing agricultural communities, each with a strongly individual character, and bearing some striking resemblances to the ancient Teutonic "mark." Qualifications for the exercise of political privileges were not onerous, and the whole body of qualified citizens were accustomed to assemble in "town meetings," where they elected officers, discussed neighborhood interests, made laws, and voted taxes. Even when, after the separation from England, the State governments had become firmly established, the towns were still permitted to make and administer most of those laws which were of immediate concern to them. The legislature of the State was composed of representatives from the towns, and made laws which affected the towns only in matters of common interest. Such State laws, furthermore, were executed

by the town officers within their respective jurisdictions. The New England county was an aggregation of towns to constitute a judicial district, wherein might be maintained a judiciary establishment midway between the justices' courts of the towns and the superior court of the State. The county had no very distinct political character. As a whole, the New England system was one highly localized both in administration and in authority.

In Virginia the structure of society was radically different. Opposed to the small freeholds of New England, we find from the beginning a tendency to mass the land in large estates. The institution of slavery, which always dishonors and degrades free labor, forbade the growth of a strong middle class. The wealthy planter had no interest in common with his tenants and servants. The communal life of village or neighborhood could not develop under such an industrial system. The planter was a sort of feudal lord on his own domain, and local self-rule by majorities found no place. We find territorial divisions, but chiefly for convenience in limiting the jurisdiction of courts, collecting State taxes, and holding State elections. The State Government was the centre both of authority and administration. The Governor appointed all justices of the peace throughout the State. The justices residing in any county constituted a county court, which, in addition to judicial functions, was intrusted with the management of all the county business. This court co-operated with the Governor in appointing sheriff and coroner. It appointed constables and road commissioners, levied taxes, and when the State had made some provision for schools, the county court appointed the board of school commissioners. A landed aristocracy thus became the State's fiscal agents, the local magistrates, and the sole managers of county affairs. The subdivisions of the county for elections, schools, and care of paupers, were mere partitions of territory, without political significance.

These two diverse systems of New England and Virginia were destined to meet and to strive for supremacy in Illinois.

Though Illinois forms a part of the vast territory claimed

by the British Crown in virtue of Cabot's voyage of 1498, and was, in part, included in the original Virginia grant, it nevertheless was in possession of the French until finally ceded to England at the close of the "French and Indian War," in 1763. French peasants to the number of three thousand had formed village settlements in the southern part of the State, on the Illinois and Mississippi Rivers. For fifteen years they maintained a military government, with headquarters at the French village of Kaskaskia. In 1778, during the Revolutionary War, the State of Virginia sent out a little force of men, who made their way through the wilderness, took Kaskaskia, and readily persuaded all the French villagers to swear allegiance to Virginia. That enterprising commonwealth proceeded to organize Illinois as a Virginia county, including under that name the entire country north of the Ohio and east of the Mississippi. Although before a decade had elapsed Virginia and the other individual States had ceded their western territories to the United States, Illinois had already received some impress of Virginian forms of government.

Under the famous "Ordinance of 1787," Congress established a provisional government for the country north of the Ohio, which now took the name of the "Northwestern Territory." This charter did not provide for municipal corporations. It allowed the people a representative assembly, and exacted a very low property qualification from electors. While the Legislature was permitted to make all needful laws, the Governor, himself appointed by Congress, was authorized by the ordinance to appoint all minor officers throughout the territory. This, manifestly, was after the Virginian pattern, and was, in fact, the work of no less a Virginian statesman than Mr. Jefferson. But, while the ordinance made no provision for the immediate exercise of local self-government, it did establish principles which formed a basis for the healthy municipal life of a later period. It ordained free trade in land, and the law of partible inheritance by which all the children of an intestate were equal heirs. Add to these two the provision forever excluding slavery,

and a landed aristocracy becomes impossible—a citizenship of small freeholders is infallibly guaranteed. Among other rights forever confirmed to the people by this enlightened Charter of 1787, we find freedom of opinion and worship, trial by jury, the benefit of the writ of *habeas corpus*, the judicial methods of the common law, and proportionate representation.

One by one Ohio, Michigan, and Indiana were carved from the Northwestern Territory, till in 1809, Illinois was erected into a territorial government under its present name. In 1818 it was allowed to form a State constitution, and passed from its political wardship to the status of a self-controlling commonwealth. Meantime, immigration had been almost exclusively directed to the southern part of the State. The early French settlements, and Virginia's temporary connection with them, seem to have been the determining influences in producing a fact which is the key to much of the legislative history of the State, viz., that the southern half of the State was settled earliest, and that these pioneers were from Virginia, Kentucky, and the Carolinas. It was they who formed the Constitution of 1818, and the instrument bears witness to the origin of its authors. It is true that these sturdy frontier-men were not from aristocratic ranks of Southern society. They may be said to represent that revival of democracy and of the old Anglo-Saxon spirit which the second war with England awakened in the lower classes of the South; and their exodus to the free soil of the wilderness may be characterized as a protest against the semi-feudalism that was crushing them in Virginia. Nevertheless, they were Southern men, accustomed to Southern forms of government, and intensely prejudiced against anything that savored of New England.

At the time of its admission to the Union, Illinois was divided into fifteen large counties. The Constitution of 1818, and laws made pursuant to it, placed the entire business management of each county in the hands of a court of three County Commissioners. We have here a reproduction of the Virginia Court, with two important differences, however:

First, these Commissioners were elected by the people of the county; and, second, by a process of differentiation, this Illinois Court had no judical functions, the county judiciary being made a distinct tribunal. The people also chose in every county a sheriff, coroner, clerk, treasurer, surveyor, and recorder. The Commissioners appointed election judges, road supervisors, and overseers of the poor, dividing the county into districts for these purposes. Every election precinct was entitled to two justices of the peace, who were appointed by the Governor of the State. After 1826, however, the people of each precinct were allowed to elect their justices. The Commissioners had a narrow range of discretionary power, but there was no power given to communities to control local affairs, or to enact by-laws in promotion of neighborhood interests.

But even at this time there had been planted in Illinois, and throughout the whole West, a germ capable, under right conditions, of developing a highly organized township system. In dividing and designating the public domain, the Congress of the United States had early adopted the system of survey into bodies six miles square, and had given these divisions the New-England name of *townships*. For purposes of record and sale, each township was divided into thirty-six sections a mile square, and these were further subdivided. Every man held his land by a deed which reminded him that his freehold was part of a *township*, and there is much even in a name. But further than this, the United States had given to the people of every township a mile of land, the proceeds of which should be a permanent township school-fund. To give effect to this liberal provision, the State enacted a law making the township a body corporate and politic for school purposes, and authorizing the inhabitants to elect school officers and maintain free schools. Here, then, was a rudiment of local government. As New-England township life grew up around the church, so western localism finds its nucleus in the school system. What more natural than that the county election district should soon be made to coincide with the school township, with a school-house for the voting-

place? or, that justices of the peace, constables, road supervisors, and overseers of the poor, should have their jurisdictions determined by those same township lines?

The admission of Missouri to the Union as a slave State, under the "Compromise Bill" of 1820, seems to have turned the tide of southern migration toward that quarter; while from that time the free State of Illinois began to receive constant and strong accessions from New England and New York. The northern counties particularly were filled with swarms from the eastern hive. There resulted a sectional bitterness and strife in legislative councils, northern ideas gradually becoming dominant. The struggle culminated in the convention which met in 1847 to revise the constitution, and in good measure ceased with the adoption of the revised instrument the following year. This constitution met the question of local government with a compromise. It provided that the Legislature should enact a general law for the political organization of townships, under which any county might act whenever a majority of its voters should so determine. Under the Act accordingly passed by the General Assembly, all the northern counties proceeded promptly to adopt township organization, while the southern counties retained their old county system described above. This was one of those happy, but unusual, compromises whereby both parties gain their principle. It was rendered possible by the distinctly sectional line of demarcation which separated the two elements of population. In Ohio and Indiana the same diverse elements of population had been more thoroughly commingled; and their "compromise system" was the outcome of mutual concession—a hybrid affair, in which township organization was very limited and imperfect.

The form of township government adopted by the Illinois Legislature was a modification of the New England system, changes being made to meet western conditions. It may be regarded as the model system of the Union. One by one the southern counties of the State have become converted to it, until at the present time only about one-fifth of the one hundred and two counties in Illinois cling to the old county

system. Without comment on the minute changes made in the course of thirty years' legislation, we may pass to a view of the local institutions as they are now in operation.

When the people of a county have voted to adopt the township system, the commissioners proceed to divide the county into towns, making them conform with the congressional or school townships, except in special cases. Every town is invested with corporate capacity to be a party in legal suits, to own and control property, and to make contracts. The annual town-meeting of the whole voting population, held on the first Tuesday in April for the election of town officers and the transaction of miscellaneous business, is the central fact in the town government. The following is a summary of what the people may do in town-meeting: They may make any orders concerning the acquisition, use, or sale of town property; direct officers in the exercise of their duties; vote taxes for roads and bridges, and for other lawful purposes; vote to institute or defend suits at law; legislate on the subject of noxious weeds, and offer rewards to encourage the extermination of noxious plants and vermin; regulate the running at large of cattle and other animals; establish pounds, and provide for the impounding and sale of stray and trespassing animals; provide public wells and watering-places; enact by-laws and rules to carry their powers into effect; impose fines and penalties, and apply such fines in any manner conducive to the interests of the town.

The town officers are a supervisor, who is *ex-officio* overseer of the poor, a clerk, an assessor, and a collector, all of whom are chosen annually; three commissioners of highways elected for three years, one retiring every year; and two justices of the peace and two constables, who hold office for four years.

On the morning appointed for the town-meeting, the voters assemble, and proceed to choose a moderator, who presides for the day. Balloting for town officers at once begins, the supervisor, collector, and assessor acting as election judges. Every male citizen of the United States who is twenty-one

years old, who has resided in the State a year, in the county ninety days, and in the township thirty days, is entitled to vote at town-meeting; but a year's residence in the town is required for eligibility to office. At two o'clock, the moderator calls the meeting to order for the consideration of business pertaining to those subjects already enumerated. Everything is done by the usual rules and methods of parliamentary bodies. The clerk of the town is secretary of the meeting, and preserves a record of all the proceedings. Special town-meetings may be held whenever the supervisor, clerk, and justices, or any two of them, together with fifteen voters, shall have filed with the clerk a statement that a meeting is necessary, for objects which they specify. The clerk then gives public notice in a prescribed way. Such special meetings act only upon the subjects named in the call.

The supervisor is both a town and a county officer. He is general manager of town business, and is also a member of the County Board, which is composed of the supervisors of the several towns, and which has general control of the county business. As a town officer, he receives and pays out all town money, excepting the highway and school funds. His financial report is presented by the clerk at town-meeting. The latter officer is the custodian of the town's records, books, and papers.

The highway commissioners, in their oversight of roads and bridges, are controlled by a large body of statute law, and by the enactments of the town-meeting. Highways are maintained by taxes levied on real and personal property, and by a poll-tax of two dollars, exacted from every able-bodied citizen between the ages of twenty-one and fifty. It may be paid in money, or in labor under the direction of the commissioners. One of the commissioners is constituted treasurer, and he receives and pays out all road moneys.

The supervisor acts as overseer of the poor. The law leaves it to be determined by the people of a county whether the separate towns or the county at large shall assume the care of paupers. When the town has the matter in charge, the overseer generally provides for the indigent by a system

of out-door relief. If the county supports the poor, the County Board is authorized to establish a poor-house and farm for the permanent care of the destitute, and temporary relief is afforded by the overseers in their respective towns, at the county's expense.

The Board of Town Auditors, composed of the supervisor, the clerk, and the justices, examine all accounts of the supervisor, overseer of poor, and highway commissioners; pass upon all claims and charges against the town, and audit all bills for compensation presented by town officers. The accounts thus audited are kept on file by the clerk for public inspection, and are reported at the next town-meeting.

The supervisor, assessor, and clerk constitute a Board of Health. The clerk records their doings, and reports them at the meeting of the town.

No stated salaries are paid to town officers. They are compensated according to a schedule of fixed fees for specific services, or else receive certain *per diem* wages for time actually employed in official duties. The tax-collector's emolument is a percentage.

The Justices of the Peace have jurisdiction in minor criminal cases, in civil suits, when the amount in controversy does not exceed the value of two hundred dollars, and in all actions brought for violation of city or town ordinances.

For school purposes, the township is made a separate and distinct corporation, with the legal style, "Trustees of Schools of Township —, Range —," according to the number by which the township is designated in the Congressional Survey. The School Trustees, three in number, are usually elected with the officers of the civil township at town-meeting, and hold office for three years. They organize by choosing one of their number President, and by selecting some fourth person for School Treasurer, who shall also be, *ex-officio*, their secretary. They have authority to divide the township into school districts. It must be remembered that the township is exactly six miles square. It is the custom to divide it into nine districts two miles square, and to erect a school-house near the centre of each. As the county roads

are in most instances constructed on the section lines—and therefore run north and south, east and west, at intervals of a mile—the traveller expects to find a school-house at every alternate crossing. The people who live in these sub-districts elect three school directors, who control the school in their neighborhood. They are obliged to maintain a free school for not less than five nor more than nine months in every year, are empowered to build and furnish school-houses, hire teachers, and fix their salaries, and determine what studies shall be taught. They may levy taxes on all the taxable property in their district, but are forbidden to exceed a rate of two per cent. for educational or three per cent. for building purposes. They certify to the township school treasurer the amount they require, and it is collected as hereafter described. This last-named officer holds all school funds belonging to the township, and pays out on the order of the Directors of the several districts.

The township funds for the support of schools arise from three sources. (1) The proceeds of the school lands given by the United States Government, the interest from which alone may be expended. (2) The State annually levies on all property a tax of one-fifth of one per cent., which constitutes a State school fund, and is divided among the counties in the ratio of their school population, and is further distributed among the townships in the same ratio. (3) Any amount needed in addition to these sums is raised by taxation in the districts under authority of the directors.

All persons between the ages of six and twenty-one years are entitled to free-school privileges. Women are eligible to every school office in the State, and are frequently chosen directors.

The average Illinois county contains sixteen townships. The county government is established at some place designated by the voters, and called the "county seat." The corporate powers of the county are exercised by the County Board, which in counties under township organization is composed of the several town supervisors, while in other counties it consists of three commissioners elected by the

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people of the whole county. The Board manage all county property, funds, and business; erect a court-house, jail, poor-house, and any necessary buildings; levy county taxes, audit all accounts and claims against the county, and, in counties not under township organization, have general oversight of highways and paupers. Even in counties which have given the care of highways to the townships, the County Board may appropriate funds to aid in constructing the more important roads and expensive bridges. The proceedings of the Board are recorded by the County Clerk, who also draws orders on the Treasurer for all claims which they have audited and allowed. In his office, official bonds and other important papers are filed and recorded.

The treasurer, sheriff, coroner, and surveyor are county functionaries, who perform the duties usually pertaining to their offices. The County Superintendent of Schools has oversight of all educational matters, advises town trustees and district directors, and collects complete school statistics, which he reports to the County Board, and transmits to the State Superintendent of Public Instruction.

Every county elects a judge, who has full probate jurisdiction, and appoints administrators, executors, and guardians. He also has jurisdiction in civil suits at law involving not more than $1,000, in such minor criminal cases as are cognizable by a justice of the peace, and may entertain appeals from justices' or police courts. The State is divided into thirteen judicial districts, in each of which the people elect three judges, who constitute a Circuit Court. The tribunal holds two or more sessions annually in each county within the circuit, and is attended at every term by a grand and a petit jury. It has a general original jurisdiction, and hears appeals from the County Judge and from Justices' Courts. To complete the judicial system of the State, there are four Appellate Courts and one Supreme Court of last resort.

Taxes, whether for State, county, or town purposes, are computed on the basis of the assessment made by the Town Assessor, and are collected by the Town Collector.

The assessor views and values all real estate, and requires from all persons a true list of their personal property. The assessor, clerk, and supervisor constitute a Town Equalizing Board, to hear complaints, and to adjust and correct the assessment. The assessors' books from all the towns then go before the County Board, who make such corrections as shall cause valuations in one town to bear just relation to valuations in the others. The County Clerk transmits an abstract of the corrected assessment of the county to the Auditor of State, who places it in the hands of a State Board of Equalization. This board adjusts valuations between counties. All taxes are estimated and collected on this finally corrected assessment. The State authorities, the county board, the town supervisors, the highway commissioners, the township school trustees, and the proper officers of incorporated cities and villages, all certify to the county clerk a statement of the amount they require for their several purposes. The clerk prepares a collection book for each town, explaining therein the sum to be raised for each purpose. Having collected the total amount, the collector disburses to each proper authority its respective quota.

In all elections, whether for President of the United States, representatives of Congress, State officers, or county officers, the township constitutes an election precinct, and the supervisor, assessor, and collector sit as the election judges.

The words "town" and "township," as they occur in this article, signify a territorial division of the county, incorporated for purposes of local government. There remains to be mentioned a very numerous class of municipal corporations known in Illinois statutes as "villages" and "cities." A minimum population of three hundred, occupying territory not more than two square miles in extent, may, by popular vote, become incorporated as a "village," under provisions of the general law. Six village trustees are chosen, and they make one of their number president, thereby conferring on him the general duties of a mayor. At their discretion, the trustees appoint a clerk, a treasurer, a street commissioner, a

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village constable, and other officers, as they deem necessary. The people may elect a police magistrate, whose jurisdiction is equal to that of a justice of the peace. When a territory not more than four square miles in extent contains at least one thousand inhabitants, the general law provides for organization and incorporation as a "city." Its government will consist of a mayor and aldermen, who constitute the city council. Cities whose population does not exceed three thousand, are divided into three wards, each ward electing two aldermen. The number of wards and aldermen increases in the ratio of population. Mayor and aldermen are elected for two years. The mayor has a veto on the ordinances of the council, though he may be overruled by a two-thirds vote. The council controls a wide range of subjects, which are specified in the statutes of the State. They manage the city's finances, appropriating money, levying taxes, and borrowing money—though the city's total indebtedness may never exceed five per cent. of its assessed valuation. Their authority extends to streets, gas and water supply, parks, harbors, markets, cemeteries, public amusements, the liquor traffic, police and police courts, jails and workhouses, the fire department, and numerous other city interests. They have power to make ordinances, and affix penalties, not exceeding six months' imprisonment, or a fine of two hundred dollars. Other city officers vary with the population, and need not be enumerated.

These incorporated villages and cities remain parts of the civil township, and share in the burdens and privileges of town government. They also remain parts of the school township, and are subject to the general provisions of the school law, excepting that in school districts containing more than two thousand inhabitants the three district directors are superseded by a board of education consisting of six members, and of three additional members for every ten thousand of additional population. Such districts must support schools from six to ten months in the year, may be divided into sub-districts, and may employ a superintendent of schools.

Such is a synopsis of local self-government in Illinois; and such, with more or less important differences, are the minor political institutions of nearly every State in the Union. Without a high conception of their influence no just estimate of the American character is possible. They have been the training-school for popular rule and representative institutions. They have acquainted the masses with principles of practical politics, and have given them that "habit of political debating and acting which is essential to the training of intelligent and useful citizens." The township system, Old England's best gift to the nation, has always been the groundwork and basis of democracy in America.

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LOCAL SELF-GOVERNMENT IN PENNSYLVANIA.

Few perhaps fully realize the importance of a comprehensive study of local institutions. The centralizing tendencies of the present time are so strong, that the attention of the student of political science is apt to be concentrated upon federal rather than on local authority. He is prone to overlook the fact that the nation is a highly composite organism of which the state, the county, and the township, are subordinate, but very essential members. He is liable to forget that an inadequate or improper performance of functions by the latter is attended by an infusion of disorder, which interrupts the harmonious workings of the whole.

The scope of the present paper will not extend beyond a sketch of those three departments of local management embraced under the heads of Rates and Levies, Roads and Bridges, and the Poor. The early administration of colonial justice has already been treated in an excellent essay on the "Courts of Pennsylvania in the 17th Century," by Mr. Lawrence Lewis, Jr., while the question of Public Schools will be reserved for future discussion.

Before proceeding to give a minute description of Local Self-Government as at present administered in the Quaker State, we shall briefly consider its institutional development. Institutions are not the creations of a single mind nor the products of a separate age. They represent a growth, an evolutionary process. They are the great unities of history. They progress as the social order changes, and we must diligently study their varying stages of development to intelligently comprehend their present character.

In the first place, we shall portray the method of local administration which obtained when the Duke of York possessed the territory which now comprises the States of

New York, Pennsylvania, Delaware, and part of New Jersey. We venture to do so because of the interest such a sketch will afford from an historical point of view, and also because it will furnish an excellent parallel to the later system of Pennsylvania under Proprietary government. Moreover, the Duke's "Book of Lawes," with few exceptions, formed the legal basis of the proceedings of the courts upon the Delaware after the year 1676.[1] We shall speak more particularly of these courts in relation to their legislative character in a subsequent part of the present paper. They claim our attention because they possessed not only judicial functions, but exercised in addition an important control over local affairs, during the years which immediately preceded the arrival of William Penn.

The administration of the Duke of York was a close imitation of the English system. It recognized the old municipal divisions of ridings, towns, and parishes. The chief officer of the former was a High Sheriff, while the interests of the latter were presided over by a Constable, and a Board of Overseers, at first eight, but afterwards four in number. The sheriff was selected yearly by the governor from three nominees presented to him by the justices of the last sessions. The town officers were directly the choice of the people. The constable was chosen for one year; the overseers for two, one-half of them retiring annually. Under this primary colonial régime the principal unit of local government was the town or parish. Each town had its own peculiar constitution and by-laws, which, when sanctioned by the court of sessions, became the basis of its own administration. Such constitution and laws were framed by the constable and a majority of the overseers, and local observance became binding upon local inhabitants. Every town had likewise

[1] That these enactments were in force in 1676 is clear by the following. It was one of the provisions of the "Book of Lawes" that, "no jury shall exceed the number of seaven nor be under six unless in special causes upon Life and Death." This year, at Whorekill, in a suit about some tobacco, "the president of the court and six, of seven of the jury, acknowledged their proceedings to be erroneous, etc."—Hazard, Annals of Pennsylvania, p. 425.

its own court,[1] held at convenient intervals, where small cases were heard and decided by its officers. The constable and overseers were also, *ex-officio*, church-wardens, and in this capacity were the ecclesiastical governors and moral guardians of the parish. They not only made provision in the rates for the support of the church and minister, but it was their further duty to make known to the semi-annual court of sessions all unpunished transgressions of the moral code.[2] There were two taxes, the public charge, the proceeds of which were applied to the maintenance of the general civil, military, and ecclesiastical authority; and the town rate, which went to the support of purely local government. Both were levied and collected in exactly the same manner. Upon the receipt of a "precept" from the sheriff of the riding, the constable and overseers of the various towns made out a list of taxable persons and appraised all real and personal property. These statements were returned to the sheriff, who, having examined and certified them, transmitted them to the governor. If any inhabitant thought he had been unfairly dealt with in his assessment, he could make complaint to the court of sessions, and there have his grievance redressed. The law which governed collections reads as follows: "The constable shall appoint a day and place and give reasonable warning to the inhabitants to bring in their proportions, upon which every man so warned shall duely attend to bring in his rates, etc."[3] Constables were held responsible for the

[1] The "Towne Court" of the Duke's Laws is a very ancient institution. It is the court of the tithing or township transformed. It represents the survival of the Anglo-Saxon "tun-gemot." The establishment of these local self-governing communities in the English colonies of America, is simply a repetition of the course pursued by our Saxon forefathers, in their settlement of Britain.

[2] This kind of censorship was exercised, during the first few years of Proprietary rule, by the Grand Jury. For an example, see Watson, Annals of Philadelphia, vol. ii. p. 91.

The following presentment at the Chester Co. Court, in 1683, though of a quite different character, is somewhat amusing: "The Grand Jury present want of rings to the snouts of swine."

[3] Duke of York's Laws, pp. 49, 50.

collection of the rates, and were empowered to recover arrearages by process of law, even after their term of office had expired. When the full amount of the levy could not be obtained, the deficiency was supplied by an extra assessment. Produce was received instead of money, in payment of the town and public taxes. None were exempt from taxation except justices of the peace and indigent persons, and even the justices were subsequently made liable for the town levy. Local taxation was designed chiefly for the support of the poor and for the maintenance of parochial churches.[1] The needy and the helpless of every parish were the especial charge of the church wardens. They were doubtless considered more in the light of an ecclesiastical than a civil responsibility. Under this régime, we see that county government in the form we now know it, did not practically exist. The riding, it is true, came in as a division between the town and the province, but it had little or no significance as a political factor. It simply represented an aggregation of towns or parishes, and possessed no organized system of municipal government. That such was the case is shown by the following law regarding lunatics. "That in regard the conditions of distracted persons may bee both very chargeable and troublesome, and so will prove too great a burthen for one towne alone to beare, each towne in the rideing where such person or persons shall happen to bee, are to contribute

[1] "Churches shall bee built within three years after this assize, to which end a Towne Rate may bee made, to begin with this yeare."—Duke of York's Laws, p. 63.

Upon the Delaware, ministers seem to have been supported by voluntary subscriptions. The petition of the Court of New Castle to the governor in 1678 was to the effect that he would "grant leave and permission to obtain and have an orthodox minister, to be maintained by the gift of the free and willing givers."—Hazard, Annals, p. 455. This request was granted.—*Ibid.* p. 458.

Ministers who were supported out of the "Towne Rate," elsewhere in the Duke's dominions, could not always have been in the established church, since, according to the report of Bishop Compton in 1680, there were at that time only *four* clergymen of the Church of England in North America. —Hazard, Annals, p. 469.

towards the charge which may arise upon such occasions."[1] Each town, therefore, helped to bear the burden, but the contributions were made distinctly and separately, and not as individual quotas to a permanent county rate. The town or parish was of much greater importance than in later times. It dealt with the leading questions of local government, and its constable and overseers formed a legislative body whose acts, as we have already seen, could only be disallowed by judicial negation.[2]

After the conquest of the Dutch settlements upon the Delaware by Sir Robert Carre, in 1664, it was agreed that the magistrates then in power should be continued, for a time at least, in the enjoyment of their civil jurisdiction. In 1668 we have the record of the constitution of a court, consisting of a schout and five counsellors, appointed for two years.[3] English laws were not immediately imposed upon the people, but it was ordained that the Duke's enactments "be showed and frequently communicated to the said counsellors, and all others, to the end that being therewith acquainted, the practice of them also in convenient time be established."[4] The result thus gradually aimed at was finally consummated by the precept of 1672, which declared "English laws to be established in the town and river. The office of schout to be converted into sheriff for the corporation and river, to be chosen annually."[5] In 1676 a proclamation from Governor Andross set forth that the Duke's "Book of Lawes," with the exception of the enactments regarding constables'

[1] Duke of York's Laws, p. 64.

[2] "The Constable by and with the consent of five at least of the overseers for the time being, have power to ordaine such and so many peculier Constitutions as are necessary to the welfare and improvement of their Towne and if any inhabitants shall neglect or refuse to observe them, the Constable and overseers shall have power to Levie (such) fines by distress; Provided that they (the constitutions) bee not of a Criminall Nature and that every such peculier Constitution be confirmed by the Court of Sessions within four months (later by the next Court) after the making thereof."—pp. 50, 51.

[3] Hazard, Annals, p. 371.

[4] Ibid. p. 372.

[5] Ibid. p. 397.

courts,[1] county rates, and a few other matters which pertained particularly to Long Island, should form the basis of civil administration along the Delaware. There were at this time three general courts in operation: one at New Castle, one at Upland, and one at Whorekill. These establishments were not only of a judicial nature, but were also endowed with legislative authority. They could enact "all necessary by-laws or orders (not repugnant to the laws of the governor), to be binding for the space of one whole year,"[2] for the administration of local matters within their respective districts. They had power to make "fitting rates for highways, poor, and other necessaries."[3] This levy, on account of convenience, generally took the form of a poll-tax;[4] the constables making out the list of "tydables."[5] It was the duty of the sheriff to make collections.[6] No rates could be laid until the sanction of the governor had been obtained.[7] For the better management of roads and bridges, the court appointed yearly a number of men to be overseers of highways and viewers of fences.[8]

(The court also ordered the building and repair of churches[9] and selected the church wardens.[10]) No mention is made of the manner in which the poor were taken care of, but it is altogether likely that they were the charge of the church

[1] It is reasonably certain, that, notwithstanding Gov. Andross' proclamation, constables' courts were in full operation upon the Delaware. One had been established at New Castle in 1672 (Hazard, Annals, p. 396–7), and we have no record showing that it ceased to exercise its powers after the above-mentioned ordinance was promulgated. On the contrary, the order issued in 1677, that the *commons* were to be regulated by the town, shows that New Castle still had some kind of separate government. In 1678, permission was given to Elseburgh, a place within the jurisdiction of the justices of New Castle, to have a constable's court. (Hazard, Annals, p. 458–9.) The record of the establishment of these courts in America furnishes one more example of the reproduction of English institutions upon colonial soil. The evidence of their survival is a point of some historical interest, as it makes against the idea of Stubbs and Hallam, who are inclined to deny that the petty constable ever possessed judicial authority.

[2] Hazard, Annals, p. 427. [3] Ibid. p. 441. [4] Ibid. p. 447.
[5] Ibid. p. 442. [6] Ibid. p. 447. [7] Ibid. p. 428.
[8] Ibid. p. 480. [9] Ibid. p. 467. [10] Ibid. p. 461.

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wardens, as in New York. Though the court had the power to lay a road-tax, we find no record that such a course was pursued. It was the survival of an old feudal custom in England which compelled all the inhabitants of a particular district to work upon the highways or else to suffer certain pecuniary penalties in case they failed to fulfil the requirement. This system was in vogue in the time of Charles II.,[1] and we have evidence that it also obtained in Pennsylvania. "The imposition of a fine of 25 gilders, for neglecting to work on the roads, was among the last acts of Upland Court under the Duke's government."[2]

The tenth section of the charter to William Penn gave him the power to divide "the country and islands into towns, hundreds[3] and counties." By a subsequent clause he also received authority to erect manors,[4] and to introduce thereon

[1] See Statutes of the Realm, 22 Charles II., ch. 12, § 10, for fines imposed. In case the labor required by statute was not sufficient to complete all necessary repairs, a tax could be imposed to defray the expense of finishing the remaining work.—Ibid. § 11.

[2] Smith, History of Delaware Co., p. 124.

[3] We have not been able to find any evidence to show that hundreds ever existed as local divisions in Pennsylvania, although they were common in Maryland and Delaware.

[4] Mr. F. D. Stone, Librarian of the Pennsylvania Historical Society, has called our attention to what *may have been* a manor in full operation upon a similar basis to those in England. It is cited in Dr. George Smith's History of Delaware County. It bore the name of the Welsh Barony, and consisted of a tract of land comprising about 40,000 acres. The settlers were Welsh Quakers, and amongst other immunities granted to them by their charter, was the privilege to have "our bounds and limits by ourselves, within the which all causes, Quarrels, crimes, and titles [shall be] tryed and wholly determined by officers, magistrates [and] jurors of our own language, which are our equals."

Tradition has it that a certain stone building situated upon the manor of Moreland, was used in early times as a prison-house for the refractory tenants and servants of the first Chief Justice. The whole subject is an exceedingly interesting one, and will claim the attention of the writer in a future paper. The subject of the Manorial System of Maryland is under investigation by Mr. John Johnson, a graduate of the Johns Hopkins University. Mrs. Martha J. Lamb has undertaken the "Historic Manors of New York."

the English system of manorial government. We have seen that the tendency of the Duke of York's laws was to centre local government in the towns. Under the Proprietary administration a totally different order of things was instituted. The county now became the element of primal importance. In fact it may be safely asserted, that, during nearly the entire portion of the first half-century of the government of Penn and his descendants, the town had little or no significance as a political division. The county court of general sessions was the real centre of authority, and all local affairs were administered by officers which it commissioned.[1] Though the town was afterwards admitted to a share of municipal government, it has never quite regained the position it held previous to 1682. We shall further notice, in passing, how some matters were gradually handed over, conditionally, to township control.

By an act passed in 1682, which was subsequently declared a fundamental law, it was enjoined that no separate tax at any time should continue longer than one year. The objects for which county taxes were raised, were "for the support of the Poor, building of prisons, or repairing them, paying the salary of members belonging to the assembly, paying for Wolf's Heads, expence of Judges, with many other necessary charges."[2] It was the duty of the justices of the court of sessions, with the assistance of the grand jury, to estimate the general county expenses, and to make an assessment, upon the basis of the provincial tax, to defray them. The enactment of 1696 inaugurated a much more convenient system. It provided that six assessors should be annually chosen for each county, to act in conjunction with the justices and grand jury, in determining public charges. This body could levy a rate of one penny in the pound, and six shillings *per caput* upon all freemen between 16 and 60 years of age. The

[1] "The court about this time (1685) appointed the justices, constables, road overseers, etc."—Watson, Annals of Philadelphia, vol. i. p. 304. Seven years later, in one county at least, the road overseers were elected by the people.—See Records of Chester Co. Court for 1692.

[2] Laws of the Province of Penna., 1682–1700, p. 233.

assessors heard and decided all appeals. The Proprietary and his deputies were alone exempt from taxation. It was the duty of the various constables to bring the assessors a list of the taxable inhabitants of their districts, together with an accurate valuation of property liable to taxation. The assessment board determined the required number of collectors and appointed them. The county treasurer was also an appointee of this body. It seems that the above method for raising county rates did not prove satisfactory, since numerous supplemental acts were passed to make provision for the collection of arrearages.

In 1724 a new system was introduced, which, though not unlike the former in its essential features, yet prescribed a mode of procedure somewhat different from that recognized by previous law. It provided for the election of three commissioners to perform the functions which had hitherto belonged to the court of sessions, with a few additional duties. The commissioners issued the "precepts" to the constables, constituted a tribunal for trying appeals, inaugurated proceedings against delinquent collectors, and imposed pecuniary penalties upon the county treasurer, and the assessors for neglect of duty. To facilitate the collection of rates, each county was divided into a definite number of districts. The limit to the assessment provided for by this enactment, was fixed at three pence in the pound, and a nine shillings poll-tax.

The Revolution did not change the form of local government, which had obtained immediately before the year 1776. There was no distinct difference between the administration of the province and of the commonwealth. But in relation to the topic at present under consideration, an advance was made towards the present system in 1779. In that year the assessment board, consisting of the three commissioners and six county assessors, appointed[1] two assistant assessors for each township, to discharge the duties which had hitherto devolved upon the constables, in making the returns of taxable inhabit-

[1] These officers were afterwards elected by the people.

ants and property. By this act stringent measures were also adopted for collecting unpaid rates. If settlement was not made within thirty days, the delinquent's goods could be sold; and if, after three months' time, his obligations had not been met, his real estate could be seized and disposed of by the commissioners to satisfy the claim. The office of clerk of the commissioners, or county clerk, which still exists, was first inaugurated at this time. Supplemental legislation this same year enacted, that the *owners* and not the *occupiers* of real estate should be taxed. Afterwards a proviso was introduced which caused all local rates to be assessed upon the basis of the last State tax. The principle of the division of labor was carried out in making the assessment, each county assessor, with the two assistants, instead of the whole board, performing this duty for every separate district. Collectors were now appointed by the commissioners alone. A return of all county levies was required to be made annually to the general assembly.

In early colonial times the management of roads and bridges was vested in the county. All public highways were laid out by order of the governor and council,[1] while private roads, connecting with them, and cart-ways leading to landing-places, were opened-up at the instance of the court of quarter sessions,[2] if the viewers had previously made a favorable report upon the projected enterprise. Roads and bridges were made at the expense of the county; but it was not unusual for a lottery[3] to be established to liquidate the cost of the undertakings. The court named the overseers,

[1] Colonial Records, vol. i. p. 163.

[2] The court gave the order to proceed with the work, after the grand jury had presented the need of a new road. Smith (Hist. Del. Co., p. 163) quotes from the Chester County Court records the following: "The road from Darby to Haverford to be laid out by the grand jury and other neighbors." In 1699, six viewers were appointed to do work of this kind; or rather to make a report upon proposals regarding new roads.

[3] Lotteries were often made use of to raise funds to open roads, construct bridges, and build churches. For legislation authorizing these establishments, see Laws of Pennsylvania.

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and these officers were responsible for the good repair of all highways within their territorial limit. Every freeholder was compelled when summoned to work upon the roads, under penalty of a fine if he refused to obey. Later enactments transferred highways from county to township supervision, directing that the latter should assume all financial burdens entailed in their management. The overseers or supervisors were thenceforth township officers, and two were elected annually for each municipality. They were empowered to levy a road tax, within certain limits, after having obtained the requisite permission from two justices of the peace. They could also hire laborers to repair highways and bridges if they thought fit, instead of summoning the inhabitants to do the work as heretofore.

The Poor question has occupied the attention of the lawmakers of Pennsylvania to a considerable extent; and much legislation is to be found upon the subject among the acts of the general assembly. In early times numerous experiments were tried, but the law of 1771 seems to have been the one, which, on the whole, yielded the most satisfactory results. It does not differ very materially from the present poor law of the State. At an earlier period charity had been dispensed at the instance and discretion of the county court; the funds being supplied out of the regular county rate. The poor tax had preference over all others, and was first paid in the disbursement of the moneys. A curious expedient was resorted to to prevent undeserving persons from receiving public support. Every recipient of relief was obliged to wear a badge "with a large Roman (P) together with the first Letter of the name of the county, city, or place, whereof such poor person is an inhabitant, cut either in red or blue cloth."[1]

[1] It was customary in England, in addition to the ordinary punishment, to mark criminals with the initial letter of the crime for which they had been convicted. This proceeding was also followed in Pennsylvania. A part of the sentence against Long Finne, for his rebellious acts, was that he should be "branded on the face with the letter R." Hazard, Annals, p. 378. See also Records of Chester Court, January 1, 1693, for the punishment accorded to a woman who had been found guilty of fornication.

The act of 1771 provided for the appointment of two overseers in each township, by the justices of the peace, at a yearly meeting specially convened for the purpose. These officers could, with the authority of two justices, levy a three-penny rate on property, and a six shillings poll-tax as often as was thought advisable. The amount thus raised was employed to provide subsistence, shelter, and employment for all those whom misfortune had made a burden to society. The tax was recoverable by ordinary process of law, and was levied on the same basis as the county dues. The overseers were responsible for the collection of the amount assessed, and if they refused to pay over moneys in their possession, they were deemed guilty of a misdemeanor and punished with imprisonment. They were required to keep an account of all receipts and expenditures, and their books were audited by three freeholders annually chosen by the people. A list of the poor was kept on record, and an order from a justice of the peace was necessary for the inscription of new names therein. Strongly protective measures were adopted against the growth of pauperism, as for example, the requirements for gaining a legal settlement in a township, and the restrictions attached to the removal of the poor from one district to another. New-comers had to bring with them certificates, and householders must give notice of the arrivals of guests coming from any place outside of the province, except Europe. Any one, to become legally settled, must have been an office-holder for one year, or must have resided in the same locality at least two years, and contributed to the poor fund. Widows were deemed settled in the same place as their former husbands, and indented servants must have performed one year of service in some particular locality to fulfil the required conditions of residence. All having near relatives who were paupers, were compelled by the province to support them, if in a position to do so. Notwithstanding all this defensive legislation, and despite the influence of these well-timed measures, it would appear that the demands upon public charity were augmented instead of diminished. Complaints were made from time to time that the means for supporting

the poor were entirely inadequate, and in 1779, an act was passed limiting the rate at seven shillings and six pence in the pound, and at not more than six pounds, and not less than three pounds per poll.[1]

The Present System.

Local self-government in Pennsylvania at the present time affords a peculiarly interesting study, representing as it does a condition of affairs in which neither the town polity of New England nor the county administration of the South, forms the decidedly predominating element. It occupies the middle-ground between these two opposing phases of local life. In the Southern States the county is the more important factor, and its subdivisions are such only in name, exercising but little control over their own affairs. In New England, on the contrary, the highest political vitality is to be found in the town. The system of Pennsylvania aims at a partition of powers. The officers of the township assume the management of local roads and highways, and in some counties provide also for the support of the pauper population. But while they have the power to impose a tax for these purposes, rates can only be levied upon the basis of the last adjusted county assessment, and the law prescribes certain limits beyond which they cannot go. Furthermore, no pro-

[1] An explanation of this seemingly high rate is to be found in the fact, that the continental currency had that year reached a very low state of depreciation. There has been preserved in the Library of the Pennsylvania Historical Society, a copy of a publication called the United States Magazine, bearing the date of 1779, for which the subscription rates were $3.00 per copy or $24.00 a year! It is possible that the apparently high price charged for this periodical may have been due, in some degree, to its widespread popularity, and to the extraordinary demand indicated by the following lines, taken from the dedicatory ode:—

"Statesmen of assembly great;
Soldiers that on danger wait;
Farmers that subdue the plain;
Merchants that attempt the main;
Tradesmen who their labors ply;
These shall court thy company;
These shall say, with placid mien,
Have you read the magazine?"

vision is made for any such democratic institution as a town-meeting, where the people may come together to vote appropriations, and to frame by-laws for their own government. Neither is the township represented by a supervisor upon the county board, as in New York, Michigan, Illinois, and other of the Northern and North-Western States. The county is the leading local unit, and, under the commonwealth, may be said to wield the largest share of political power. It regulates affairs directly, and its officers are responsible to the people for the exercise of administrative control. The chief authority is vested in three commissioners, who are elected for a term of three years. In addition to duties which will be subsequently mentioned, this board is required to transact the county business, to keep a record of its proceedings, to publish annually a correct account of all receipts and expenditures of the previous year, to make an annual statement to the secretary of the commonwealth of all sums paid for the support and maintenance of justice, and to have charge of the erection and control of the county public buildings. (Each county has also a treasurer, a surveyor, and three auditors.) It is not necessary to define the duties of these functionaries. We do not include in this enumeration those offices which pertain to the administration of justice, as it is our intention to confine this discussion to purely municipal matters.

(A board of supervisors, generally two or three in number constitutes the highest township authority.) But this numerical limit is not absolute, since the law provides for an increase at the pleasure of the electors. The term of office of this governing board extends over a period of three years. (There are also an assessor, two assistant assessors (in triennial years), a town-clerk, a treasurer, three auditors, and two overseers of the poor, where the poor are a township charge.) Under a constitutional provision, the election of township officers takes place annually on the third Tuesday of February.

The county rates and levies are made in the following manner. Every third year the board of commissioners issues

a notice to the assessors of the different townships, requiring them to return, within a certain specified time, a correct list of the names of all taxable persons residing within their territorial jurisdiction. The assessors and their assistants immediately proceed to make out the required statement, and to furnish also an accurate valuation of such real and personal property as the law directs. Upon this basis, the commissioners levy a certain rate *per centum*, which rate is uniform throughout the different townships. The commissioners cause transcripts of the assessments to be prepared and furnished to each assessor, together with the rate *per centum* of the amount levied. They also fix a day on which appeals shall be heard. The assessor is then required to give notice, either written or printed, to every taxable inhabitant in the township, of the amount for which he stands rated, and to inform him also of the day set for hearing appeals. All objections raised to the assessment are decided by the commissioners; but if any inhabitant takes exception to their ruling, he may present his case for final judgment before the court of common pleas. The taxes thus levied are collected by a collector for each township, appointed by the board of commissioners. The selection is usually made in accordance with the recommendation of the various assessors, though the range of choice is not necessarily limited to such nominees.

The State taxes are furnished through the medium of the several counties, and the commissioners perform the same duties in relation to their levy and collection, and the same proceedings are had regarding appeals, as in the case of county rates.

The township has the power to lay certain rates independently of county authority or jurisdiction. For instance, the supervisors are authorized to assess the taxables of their township for a sum not exceeding one cent on the dollar upon the valuation of their property, to keep the roads, highways, and bridges in good order. It is also the duty of the overseers of the poor, where the poor are in the charge of the township, to make a similar provision for the support of the indigent and helpless, having first obtained the consent of

two justices of the peace. These rates can only be laid in accordance with the last adjusted county valuation. The township assessor aids in fixing the assessment, and collection is made by persons designated by the supervisors and overseers, in a meeting convened for the purpose.

Roads and highways lying within the boundaries of a township are under its management. They are controlled by the supervisors, and the expense of their good keeping is borne out of the fund raised by the above-mentioned assessment. It is allowable for any person to work out his road-tax instead of paying it in money. This is usually done. With this fact in view, and with the poor more generally in the care of the county, it will be seen that the tendency is to reduce purely township rates to a minimum. The supervisors are also responsible for the repair and renewal of all causeways and small bridges situated on township highways. If a road forms the dividing line between two townships, the expense of its good keeping is shared equally by the two districts. When a number of inhabitants think it is advisable that a new highway should be opened up, they send a petition to that effect to the court of quarter sessions. This judicial body at once appoints viewers, who proceed to inspect the locality through which it is proposed the road shall run. They make their report to the court, and if a favorable view is entertained, the road is confirmed and viewed to be opened. Damages, to be paid by the county, may be awarded for any injury to property, even though the owners were petitioners in behalf of the project. Bridges over large rivers or streams, which would entail more expense in construction than it is reasonable should be borne by one or two townships, are built at the cost of the county. Proceedings are instituted at the order of the court of quarter sessions, who act upon the representation of the township supervisors, or a petition of interested inhabitants.

The poor are legally a township charge; though their care is generally placed in the hands of the county commissioners. In the latter event, the commissioners, with the approval of the court of quarter sessions, select suitable real estate, and erect thereon a building called a "House for the

Destitute." This establishment is used for the accommodation of all poor persons who have gained the required legal settlement. Three citizens, one of whom is chosen every year, constitute a board of directors. This body manages the internal economy of the institution. It also has authority to bind out children as apprentices and to provide employment for the able-bodied poor. The directors furnish a yearly financial estimate to the commissioners, so that due provision may be made for a poor-fund in levying the county rate. The board is further empowered to make any suggestions which they may deem expedient, for improvements or alterations in the institution. It may grant relief, to a limited extent, to needy persons who are not inhabitants of the almshouse. The judges of the various courts of the county, and ministers of the gospel of all denominations are, *ex officio*, visitors of the institution. In this capacity they are entitled to examine into its general condition, and to scrutinize the books of the board of directors. As soon as the poor become the charge of the county, the office of overseer in the different townships is abolished.

When the poor are under the control of the township, their care is entrusted to two overseers, and their maintenance provided for by means of a small tax. The overseers are obliged to furnish relief to all applicants for assistance, who have gained a legal settlement in the township. Aid must also be given to those who have not a legal settlement, until they can be removed to their former place of residence. The duties of the overseers in relation to binding out children as apprentices, and finding suitable work for those capable of active employment, are similar to those devolving upon the county directors. No one is entitled to be placed upon the poor-book without an order from two justices of the peace. Every house-keeper receiving a transient poor person is required to give notice to the overseers within ten days after such reception, or, in case of default, to become responsible for all further maintenance.

A few isolated and comparatively unimportant exceptions may occur to the method of local administration as set forth in the preceding pages. These need not demand our present

consideration. A general likeness pervades the municipal organization of the State, and the foregoing sketch represents, as accurately as possible, that system which prevails throughout the commonwealth of Pennsylvania.

Passing in rapid review the facts which have just claimed our attention, we cannot help noticing the liberal methods which, from the very first, existed in the administration of local affairs. The control over matters pertaining to self-government was not given to individual isolated communities, as in New England; nor was it concentrated in the larger unit, the county, as in Virginia and Maryland. And yet the system of Pennsylvania was quite as democratic as the one, and as healthfully centralized as the other. The power to make by-laws for municipal management, as well as the authority to legislate for the entire province, was, from the beginning, in the hands of the people or their delegates. All public officers were either elected directly, or chosen by those who were. Penn himself could not appoint even a justice of the peace. The words of the historian Bancroft are strictly true: "But for the hereditary office of *Proprietary*, *Pennsylvania* had been a representative democracy."

The present system of local self-government does not belong entirely, nor even largely, to the period of the commonwealth. It has, of course, been improved and modified by enactments since 1776, but, as a whole, it is simply the continuation of provincial beginnings. The central idea upon which it is based has been the same throughout. That idea is the inalienable right of the people to a control over their own affairs, and may, doubtless, to some extent, be considered as the practical realization of the words of Penn: "If the people want anything which will make them happy, I shall readily grant it." The great principle of popular sovereignty was virtually recognized by the illustrious founder of this State in every department of its provincial administration; and upon this foundation principle the political superstructure of Pennsylvania has slowly and surely risen, until now it may well be called the keystone of the arch of American Liberty.

JOHNS HOPKINS UNIVERSITY,
May, 1882.